

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN E. HAKE,

Plaintiff,

v.

MASSACHUSETTS MUTUAL LIFE
INSURANCE COMPANY,

Defendant.

Case No. 2:09-CV-01563-KJD-GWF

ORDER

Currently before the Court is Defendant's Motion to Dismiss (#28). Plaintiff filed a Response in Opposition (#30), to which Defendant filed a Reply (#32). Magistrate Judge George Foley, Jr., held a hearing on the Motion on August 4, 2010, and subsequently, on September 1, 2010, issued a Report and Recommendation (#35), recommending that the Motion for Dismissal, and request for attorney's fees be granted in part, and denied in part. Specifically, the Magistrate Judge recommended that Plaintiff's third cause of action for tortious breach of the duty of good faith and fair dealing and fourth cause of action for violation of N.R.S. §686A.310 should be dismissed, with prejudice, as a sanction for Plaintiff's failure to provide discovery disclosures and to comply with the Court's Order (#28). The Magistrate Judge further recommended that Defendant's request for dismissal of Plaintiff's entire action and for an additional award of attorney's fees should be denied.

1 The Court has reviewed the Motion, Response, and Reply, together with the entire record in this
2 case, as well as the Magistrate Judge's Report and Recommendation and adopts and affirms the
3 Report and Recommendation in whole.

4 Additionally, the Report and Recommendation advised Plaintiff that pursuant to Local Rule
5 IB 3-2, (former Local Rule 510-2) any objection to the Magistrate Judge's Report and
6 Recommendation must be filed in writing and filed with the Clerk of the Court within fourteen (14)
7 days after service of the Notice of Recommendation. To date, no objection has been filed.

8 Accordingly, **IT IS HEREBY ORDERED** that the Magistrate Judge's Report and
9 Recommendation (#11) is adopted and affirmed in whole.

10 **IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss (#28) is **GRANTED** in
11 part and **DENIED** in part. The Motion is granted in that Plaintiff's third and fourth causes of action
12 are hereby dismissed, with prejudice. Defendant's remaining requests for dismissal of the case and
13 for attorney fees are denied.

14 DATED this 19th day of October 2010.

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18 Kent J. Dawson
19 United States District Judge
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